

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MAX LAURENT KANAHELE,

Plaintiff,

v.

ANDREW SAUL, *Commissioner of
Social Security*,

Defendant.

Case No. 20-cv-00292-DKW-WRP

**ORDER GRANTING
APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES OR COSTS¹**

Plaintiff Max Laurent Kanahele moves for leave to proceed without prepaying fees or costs in this social security appeal (“IFP Application”). Dkt. No. 3.

Federal courts can authorize the commencement of any suit without prepayment of fees or security by a person who submits an affidavit that demonstrates an inability to pay. *See* 28 U.S.C. § 1915(a)(1). While Section 1915(a) does not require a litigant to demonstrate absolute destitution, *Adkins v. E.I. Du Pont de Nemours & Co.*, 335 U.S. 331, 339 (1948), the applicant

¹Pursuant to Local Rule 7.1(c), the Court finds this matter suitable for disposition without a hearing.

must nonetheless show that he is “unable to pay such fees or give security therefor,” 28 U.S.C. § 1915(a).

Here, Kanahele has made the required showing under Section 1915(a). In the IFP Application, Kanahele states that he does not receive any pay or wages and has had no income in the past 12 months. He further states that he has \$1,200 in a checking or savings account and owns a car valued at \$1,200. Kanahele also states that his only regular monthly expense is a cellphone bill of \$60.25, and he has no debts.


In light of these figures, Kanahele’s income falls below the poverty threshold identified by the Department of Health and Human Services’ (“HHS”) 2020 Poverty Guidelines. See HHS Poverty Guidelines, available at: <https://aspe.hhs.gov/poverty-guidelines>. In addition, Kanahele has insufficient assets to provide security for the \$400 filing fee while still affording the necessities of life. See *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015).

As a result, the Court GRANTS the IFP Application, Dkt. No. 3.

IT IS SO ORDERED.

Dated: July 9, 2020 at Honolulu, Hawai‘i.




Derrick K. Watson
United States District Judge